

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Clyde Holloway  
Medina, New York)  
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)  
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File No.: EB-FIELDNER-22-00033131

**CITATION AND ORDER**

**Television Antenna Causing Harmful Interference to LTE Communications**

**Adopted: February 11, 2022****Released: February 11, 2022**

By the Regional Director, Region One:

**I. NOTICE OF CITATION**

1. This **CITATION AND ORDER** (Citation), notifies Clyde Holloway (Holloway) that he operated a radiofrequency device in his residence that caused harmful interference to a Commission licensee and refused to permit an agent of the FCC Enforcement Bureau (Bureau) to inspect the premises to identify the source of the interference. We therefore direct Holloway take immediate steps to cease and desist from operating devices that cause harmful interference to licensed radio communications. If Holloway fails to comply with these laws, he may be liable for significant fines up to \$22,021 per day.

2. **Notice of Duty to Comply with the Law:** We issue this Citation pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (Act), which states that the Commission may not impose monetary forfeitures against non-regulatees who violate Commission rules or the Act unless and until: (a) the Commission issues a citation to the violator; (b) the Commission provides the violator a reasonable opportunity to respond; and (c) the violator subsequently engages in conduct described in the citation.<sup>1</sup> Accordingly, Holloway is hereby on notice that he must comply with section 301 of the Act<sup>2</sup> and sections 15.5(b) and 15.5(c) of the Commission's rules.<sup>3</sup> If Holloway subsequently engages in any conduct of the type this Citation describes — including specifically any violation of section 301 of the Act or sections 15.5(b) or 15.1(c) of the Commission's rules — Holloway may be subject to civil penalties, including but not limited to, substantial monetary forfeitures. In assessing such forfeitures, the Commission may consider both the conduct that led to this Citation and the conduct following it.<sup>4</sup>

3. Pursuant to sections 4(i), 4(j), and 403 of the Act,<sup>5</sup> we direct Holloway to respond in writing, within 30 calendar days after the release date of this Citation, to the questions and requests for documents set out in paragraph 10, below.

**II. BACKGROUND**

4. The Commission is charged with protecting licensed radio operations from harmful interference. Harmful interference to wireless providers, such as Verizon Wireless (Verizon), is particularly problematic in that it can interfere with 911 service. On November 3, 2021, Verizon filed a

<sup>1</sup> See 47 U.S.C. § 503(b)(5).

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 CFR § 15.5(b) – (c).

<sup>4</sup> See S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977) (If a person or entity that has been issued a citation by the Commission thereafter engages in the conduct for which the citation of violation was sent, the subsequent notice of apparent liability “would attach not only for the conduct occurring subsequently *but also for the conduct for which the citation was originally sent.*”) (emphasis added).

<sup>5</sup> 47 U.S.C. §§ 154(i), 154(j), 403.

complaint with the Commission concerning interference to its cellular communication system operating in the 700 MHz band in Medina, New York. Verizon noted that the interference appeared to correspond to a television antenna located at a single-family home building on Starr Street in Medina, New York (Starr Street Residence). Verizon contacted the FCC to notify it that the residents of that building failed to take corrective action after first receiving written notice from Verizon on or about October 19, 2021.<sup>6</sup> Verizon uses the 700 MHz band to provide wireless service to business and residential customers.

5. On December 14, 2021, an agent from the Bureau's New York Field Office traveled to Medina, New York, to investigate. Using direction-finding techniques, the agent identified a strong signal near 781.5 MHz emanating from the Starr Street Residence, whereupon the agent confirmed with Verizon personnel that the signal was the source of the interference to Verizon's system. The agent observed an active television antenna in a powered-on state mounted to the side of the Starr Street Residence.

6. On December 15, 2021, the Bureau's agent returned to the Starr Street Residence in the presence of an officer from the Medina Police Department and requested that the resident permit the agent and the police officer to enter his home to search for the source of the interference to Verizon's system. The resident, who did not identify himself, advised that Verizon had previously contacted him and that the only device that could be causing the interference was his television antenna. The resident then closed the door, thereby preventing the agent from investigating the interference source further. The agent observed that the antenna mounted to the side of the Starr Street Residence was not in a powered-on state and that the signal near 781.5 MHz was no longer emanating from the Starr Street Residence. The agent therefore concluded that the active antenna was the likely source of the interference to Verizon's operations.

7. The Bureau's agent then composed a Notice of Interference to Authorized Radio Station (Notice) to the resident of the Starr Street Residence and asked that the police officer deliver it the following day.<sup>7</sup> The Chief of the Medina Police Department subsequently confirmed that the same police officer who accompanied the agent on December 15 delivered the Notice to Holloway, the resident of the Starr Street Residence. Based on available information, Holloway was the same individual who, in the brief interaction with the agent on December 15, acknowledged receipt of the Verizon Letter. Holloway did not respond to the Notice.

### III. APPLICABLE LAW AND VIOLATIONS

8. Section 301 of the Act states that "[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio"<sup>8</sup> within the United States or its territories without a license granted by the Commission. Part 15 of the Commission's rules provides an exception to this general section 301 license requirement and sets forth conditions under which devices may operate without an individual license.<sup>9</sup> Section 15.5(b) of the Commission's rules requires that "[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused . . . ."<sup>10</sup> Similarly, section 15.5(c) of the Commission's rules states that the "operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected."<sup>11</sup> Section 15.3(m)'s definition of harmful

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<sup>6</sup> Letter from Robert Bolcarovic, System Performance Engineer, Verizon Wireless, to Current Resident of Starr Street Residence (Oct. 19, 2021) (on file in EB-FIELDNER-22-00033131) (Verizon Letter).

<sup>7</sup> *Resident of Starr Street Residence*, Notice of Interference to Authorized Radio Station (Dec. 15, 2021) (on file in EB-FIELDNER-22-00033131).

<sup>8</sup> 47 U.S.C. § 301.

<sup>9</sup> 47 CFR § 15.1 *et seq.*

<sup>10</sup> 47 CFR § 15.5(b).

<sup>11</sup> 47 CFR § 15.5(c).

interference includes “[a]ny emission, radiation or induction that . . . obstructs or repeatedly interrupts a radiocommunications service operating in accordance with this chapter.”<sup>12</sup> Section 15.3(z) defines an “unintentional radiator” as a “device that intentionally generates radio frequency energy for use within the device, or that sends radio frequency signals by conduction to associated equipment via connecting wiring, but which is not intended to emit RF energy by radiation or induction.”<sup>13</sup>

9. We find that Holloway violated section 301 of the Act and sections 15.5(b) and (c) of the Commission’s rules by operating one or more devices – including unintentional radiators, such as the active antenna mounted to the side of the Starr Street Residence – that caused harmful interference to a wireless provider’s licensed operations and by failing to promptly eliminate the interference upon notification by a Commission representative.<sup>14</sup>

#### IV. REQUEST FOR INFORMATION

10. Pursuant to sections 4(i), 4(j), and 403 of the Act,<sup>14</sup> we direct Holloway to confirm in writing, within thirty (30) days of the release of this Citation, that he has taken the corrective measures to eliminate the harmful interference, as well as provide a timeline for any pending corrective actions. Failure to respond in writing, or the provision of an inadequate, incomplete, or misleading response, may subject Holloway to additional sanctions.

#### V. OPPORTUNITY TO RESPOND TO THIS CITATION

11. Holloway may respond to this Citation within 30 calendar days from the release date of this Citation by any of the following methods: (1) a written statement, (2) a teleconference interview, or (3) a personal interview at the Commission Field Office nearest to Holloway’s residence. The Commission Field Office nearest to Holloway’s residence is located in New York, New York.

12. If Holloway requests a teleconference or personal interview, contact please contact David C. Dombrowski, by telephone at: (301) 725-1996. We note that such teleconference or interview must take place within 30 calendar days of the release date of this Citation. If Holloway prefers to submit a written response with supporting documentation, he must send the response within 30 calendar days of the release date of this Citation to the contact and address provided in paragraph 13 below.

13. All written communications should be sent to the address below.

Federal Communications Commission  
EB Columbia Regional Office  
Attn: David C. Dombrowski  
9050 Junction Drive  
Annapolis Junction, Maryland 20701  
**Re: EB-FIELDNER-22-0003131**

14. Upon request, the Commission will make reasonable accommodations for persons with disabilities. If applicable, Holloway should provide a description of the accommodation required, and include as much detail as possible, and also provide a telephone number and other contact information. Holloway should allow at least five business days advance notice; last minute requests will be accepted, but may be impossible to fill. Holloway should send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC’s Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:  
202-418-0530 (voice), 202-418-0432 (tty);

<sup>12</sup> 47 CFR § 15.3(m); *see also* 47 CFR § 2.1(c).

<sup>13</sup> 47 CFR § 15.3(z).

<sup>14</sup> 47 CFR §§ 15.5(b) – (c).

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty).

15. We advise Holloway that it is a violation of section 1.17 of the Commission's rules<sup>15</sup> for any person to make any false or misleading written or oral statement of fact to the Commission. Specifically, no person shall:

(1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and

(2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.

16. Further, the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this Citation is punishable by fine or imprisonment.<sup>16</sup>

17. Violations of section 1.17 of the Commission's rules or the criminal statute referenced above may result in further legal action, including monetary forfeitures pursuant to section 503 of the Act.

18. Finally, we warn Holloway that, under the Privacy Act of 1974,<sup>17</sup> Commission staff will use all relevant material information before it, including information disclosed in interviews or written statements, to determine what, if any, enforcement action is required to ensure Holloway's compliance with the Act and the Commission's rules.<sup>18</sup>

## VI. FUTURE VIOLATIONS

19. If, after receipt of this Citation, Holloway again violates section 301 of the Act or sections 15.5(b) or (c) by engaging in conduct of the type described herein, the Commission may impose sanctions for each such violation. For example, the Commission may impose monetary forfeitures. The Commission may impose forfeitures not to exceed \$22,021 for each such violation or each day of a continuing violation, and up to \$165,159 for any single act or failure to act.<sup>19</sup> The Commission may further adjust the forfeiture reflecting enumerated statutory factors, which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>20</sup> Further, as discussed above, the Commission may assess forfeitures on both the conduct that led to this

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<sup>15</sup> 47 CFR § 1.17.

<sup>16</sup> 18 U.S.C. § 1001.

<sup>17</sup> 5 U.S.C. § 552a(e)(3).

<sup>18</sup> Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

<sup>19</sup> See 47 U.S.C. § 503; 47 CFR § 1.80(b). This amount is subject to further adjustment for inflation. See 47 CFR § 1.80(b)(9).

<sup>20</sup> See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(8).

Citation and the conduct following it.<sup>21</sup> In addition, future violations may subject Holloway to seizure of equipment through *in rem* forfeiture actions,<sup>22</sup> as well as criminal sanctions, including imprisonment.<sup>23</sup>

## VII. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i) and 4(j) of the Act,<sup>24</sup> Clyde Holloway must cease and desist from causing harmful interference in violation of section 301 of the Act and sections 15.1(b) and (c) of the Commission's rules.<sup>25</sup>

21. **IT IS FURTHER ORDERED** that, pursuant to sections 4(i), 4(j), and 403 of the Act,<sup>26</sup> Clyde Holloway must provide the written information requested in paragraph 10, above. Clyde Holloway must support his responses with an affidavit or declaration under penalty of perjury, signed and dated by Clyde Holloway, attesting personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested has been produced. All such declarations provided must comply with section 1.16 of the Commission's rules and be substantially in the form set forth therein.<sup>27</sup> The FCC must receive the response within 30 calendar days of the release date of this Citation and Order.

22. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent by first class mail and certified mail, return receipt requested, to Clyde Holloway at his residence in Medina, New York.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau

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<sup>21</sup> See *supra* paragraphs 4 – 7.

<sup>22</sup> See 47 U.S.C. § 510.

<sup>23</sup> See 47 U.S.C. §§ 401, 501.

<sup>24</sup> 47 U.S.C. § 154(i), (j).

<sup>25</sup> 47 U.S.C. § 301; 47 CFR §§ 15.5(b) – (c).

<sup>26</sup> 47 U.S.C. §§ 154(i), (j), 403.

<sup>27</sup> 47 CFR § 1.16.